REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 14, 2004. In the Office Action, the Examiner notes that claims 8-21 are pending of which claims 8-21 stand rejected. By this response, claim 16 is amended and claims 8-15 and 17-21 continue unamended.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

Rejections

35 U.S.C. §103

Claims 8-21

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Day et al. (U.S. Pat. 5,996,015, hereinafter "Day") in view of DeMoney (U.S. Patent 6,065,050, hereinafter "DeMoney") and Katinsky et al. (U.S. Pat. 6,452,609, hereinafter "Katinsky").

The Applicants' independent claims 8 and 16 recite:

"8.   In an information distribution system including provider equipment and subscriber equipment, said provider equipment communicating to said subscriber equipment information streams including content requested by said subscriber equipment, an apparatus comprising:
a session manager, for interacting with said subscriber equipment and maintaining a playlist, said playlist defining at least one content stream to be provided to said subscriber equipment, said playlist further identifying reverse and fast-forward streams associated with said at least one content stream, each content stream comprising a plurality of splicing entry and exit points dispersed therein to enable transitioning between content streams;
a server, for storing content streams; and

a server controller for retrieving from said server, content streams defined by said playlist, said content streams being sequentially provided to said subscriber equipment;

said session manager modifying said playlist in response to playlist modification commands received from said subscriber equipment, wherein a next stream in said playlist is spliced at an entry point associated with an exit point of a current stream being sent to said subscriber equipment." (emphasis added).

"16. In an information distribution system including provider equipment and subscriber equipment, said provider equipment communicating content to said subscriber equipment via a distribution network, a provider method comprising the steps of:

establishing a session with a subscriber;

generating, at said provider equipment, a playlist for said subscriber if a playlist does not presently exist, said playlist determining a sequence of content streams to be retrieved from a server and coupled to a transport processor for distribution to said subscriber via said distribution network, each content stream comprising a plurality of splicing entry and exit points dispersed therein to enable transitioning between content streams, said playlist further identifying reverse and fast-forward streams associated with said content streams;

In the case of said subscriber transmitting a playlist modification command, modifying said playlist at said provider equipment in response to said playlist modification command;

in the case of said subscriber transmitting a content stream modification command, modifying said content stream in response to said content stream modification command;

determining a next content stream to be provided to said subscriber from said playlist;

closing a present content stream being retrieved from a sever and provided to said transport processor; and

communicating said next content stream to be provided to said server to a server controller, said server controller responsively causing said next content stream to be provided to said transport processor upon the termination of the present content stream provided to said transport processor, wherein said next content stream in said playlist is spliced at an entry point associated with an exit point of a current stream being sent to said subscriber equipment." (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, Bausch & Lomb, Inc. v. Barnes-

Hind/Hydrocurve, Inc., 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The combination of Day, DeMoney, and Katinsky fail to teach or suggest the Applicants' invention as a whole.

The Day reference discloses "when it has been determined that all of the video files have the same operating characteristics, a "playlist" is prepared 307. The playlist is a listing of the selected video segments which have been selected for presentation. Next, the necessary resources required to play the selected videos are reserved 309. Accordingly, the communication link must be reserved for the video presentation data stream to follow." "Next, the first selected video segment begins to play 311 as the data stream is initiated "on-the-fly" from the server to the client terminal. While the first selected video segment is playing and the video data is streaming from the server 201 to the client system 203, a determination is made 313 as to whether there are more segments to be presented. If there are more segments 313, a predetermined point prior to the end of the data stream for the first video segment, an initialization process is begun 315 for the second selected video segment in order to prepare the second selected video segment to be seamlessly concatenated to the end of the first selected video segment 317." (see Day, Col. 6, Lines 26-32 and 36-50).

Furthermore, the DeMoney reference discloses "the interactive video delivery system includes at least one media server which stores video streams having different presentation rates. In one embodiment, the system stores a normal play stream and one or more corresponding trick play streams. The trick play video streams are fast forward and/or fast reverse video streams. The system generates index tables or look-up tables between the normal play and trick play video streams which enable indexing between the streams, and uses these look-up tables to switch back and forth between the streams. In creating the index tables, the system first analyzes the normal play stream and creates a normal play time standard based on presentation timestamps from the normal play stream. The system then creates an index table or look-up table for each of the normal play and trick play video streams using the normal play time standard. Each index table includes an array of two-tuples, wherein the two-tuples are the normal play time standard and an index or offset into the respective stream. The

326233-1

index tables enable indexing between the streams. During video delivery, the system uses the respective index tables to switch back and forth between the normal play and trick play video streams. (see DeMoney, Abstract).

The Katinsky reference discloses

"By dragging media icons from the media icon access panel 12 into the sequencer 14, the user creates a sequence or play list 50 of media icons representing a playing order for the media objects associated with the media icons." (See Kaminsky, column 5, lines 2-6.)

Even if the Day, DeMoney and Katinsky references could somehow be operably combined, the combination would disclose modifying, at the subscriber terminal, a playlist including a listing of selected video segments that have been selected for presentation, where the selected video segments include the normal playstream and trick playstreams, and at a predetermined point prior to the end of a current data stream, an initialization process is begun for a second selected video segment in order to prepare the second selected video segment to be seamlessly concatenated to the end of the first selected video segment. Nowhere in any of the references, either singularly or in combination, is there any teaching or suggestion of "said session manager modifying said playlist in response to playlist modification commands received from the subscriber equipment." That is, the Applicants' invention provides that the playlist is generated and modified at the provider equipment, while the combined references merely disclose that the playlist is modified at the subscriber equipment (i.e., set top terminal) in response to playlist modification commands. Therefore the combined references fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 8 and 16 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 9-15 and 17-21 depend, either directly or indirectly, from independent claims 8 and 16 and recite additional features thereof. As such, and at least for the same reasons as discussed above, the Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejections be withdrawn.

326233-1

CONCLUSION

The Applicants believe all the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of an adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

3/14/05

Eamon J. Wall, Attorney
Registration No. 39,414
(732) 530-9404

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702